

REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

The above amended paragraphs of the specification overcome some informalities noted in the specification on file. The undersigned avers that the amended paragraphs of the specification do not contain any new subject matter.

Claims 22-25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

Claims 14-17, and 19-25 are rejected, under 35 U.S.C. § 102, as being anticipated in view of Matsumura `641. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Matsumura `641 relates to a method of controlling an automobile, an automobile transmission, and an automobile control apparatus. FIG. 1 of Matsumura `641 shows a hydraulic control unit 102 which communicates with each of an input shaft clutch actuator 22 and an assist clutch actuator 205 and other actuators 23, 24, 25, 26. The hydraulic control actuator 102 controls the amount of current sent to each one of the actuators 22-26 and 205 and this current, in turn, controls the hydraulic pressure of the actuator. An input shaft clutch 2, 3 is controlled by hydraulic pressure from the input shaft clutch actuator 22. An assist clutch 203, 204 is likewise controlled by the assist clutch actuator 205.

According to the arrangement of Matsumura `641, the single hydraulic control unit 102 controls both of the assist actuators 22 and 205, and each of these assist actuators 22 and 205, in turn, respectively actuates a clutch 2, 3 or 203, 204. This arrangement of actuators is distinctly different from the presently claimed arrangement of the method and device of controlling a shifting element according to the present invention.

According to the presently claimed invention, the shifting component 1 includes both a first half and a second half and the at least one frictionally engaged element 2 and at least one form-locking element 3. Each of these two elements 2, 3 is provided for transmitting power from the first half of the shifting component directly to a second half of the shifting component. According to the applied art of Matsumura `641, the frictionally engaged element 203/204 and the form-locking element 19 are not arranged so as to transmitting power from the first half of the shifting component directly to a second half of the shifting component, as now recited. That is, according to Matsumura `641, the frictionally engaged element 203/204 transmits driving power from input shaft 10 to seventh drive gear 201 while the form-locking element 19 transmits driving power from either first driven gear 12 or second driven gear 13 to output shaft 18.

The presently claimed invention includes a function block 6 that directly actuates the frictionally engaged element 2 and also communicates with a second function block 7. The second function block 7 controls engagement and disengagement of the form locking element 3. In a preferred form of the invention, the second function block 7 has a mathematical logic which triggers engagement and disengagement of the form-locking element 3.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claims of this application now recite the features of

adjusting a transmitting capacity of the at least one frictionally engaged element (2), upon engagement of said shifting component (1), by actuating a first function block (6) directly communicating with the frictionally engaged element (2), and the first function block (6) communicates with a second function block (7); engaging the form-locking element (3), via the second function block (7) which triggers engagement and disengagement of the form-locking element (3) only once a synchronous state for the shifting component (1) exists; reducing the transmitting capacity of the frictionally engaged element (2), once said form-locking element (3) is engaged, so that the power is transmitted from the first half of the shifting component to the second half of the shifting component sole said form-locking element (3) and

New claims 26 and 27 recite that "the second function block (7) has a mathematical logic which triggers engagement and disengagement of the form-locking element (3)". Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejections should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejections or applicability of the Matsumura '641 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the

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Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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